

SUPPLEMENTARY REMARKS

This is in response to the Advisory Action of April 21, 2010. The proposed Amendments have not been entered, allegedly because they raise new issues that would require further consideration and/or search and they raise the issue of new matter.

Specifically the Advisory Action states that Applicant has amended claim 1 to state that the protective sheet need only comprise a layer selected from a group of polymers. The Office Action states “the claims still states that the claimed properties are specific to the entire protective sheet” and “it is unclear if the core layer has the properties or does some other layer have the properties.”

Applicants respectfully submit that claim 1 does not raise any new issues. The amendment to claim 1 consisted of the words “comprises a layer.” This clarifies the meaning of the claim for the benefit of the Examiner for purposes of understanding the invention. Claim 1, before the amendment, stated that the protective sheet is selected from the group consisting of films made of polyethylene etc. The fact that the protective sheet also comprises a layer is not a new issue, as a protective sheet inherently must contain a layer. Claim 1 still reads on the fact that the protective sheet is a single layer or multiple layers. Claim 1 was amended also to make it more consistent with the dependent claims, specifically claim 10 which recites a core layer and a further layer.

The amendment to claim 10 specifies that the core layer, in the case of multiple layers, is the layer referred to in claim 1. Again, this is believed inherent in the claims before the amendment, in light of the specification, and the amendments clarifies this meaning for the benefit of better understanding. Claim 23 similarly clarifies issues and removes certain redundancies. Applicants respectfully submit that no new issues that require further search have been raised by Applicants' previous minor clarifying amendments to the claims. Please enter the Amendments upon the filing of an RCE, as instructed.

The Advisory Action further states that it is unclear whether the claimed properties are specific to the entire protective sheet or the core layer or some other layer.

Applicants respectfully submit that the claims are clear that the properties applies to the entire protective sheet, irrespective of whether the protective sheet has one layer or multiple layers. Claim 1 recites, “wherein the protective sheet has ...[certain properties]. It is believed permissible to refer to the specified desired properties of a protective sheet having one or several layers, depending on the specific embodiment.

The Advisory Action states:

Applicant argues that their specification provides adequate support to enable one having ordinary skill in the art to make and use the inventive protective sheet as seen in claim 1. For support, Applicant has pointed to their disclosure of a trademark (GH-X527), a properties table describing properties of GH-X 527, a disclosure stating that the protective sheet can be made of PE, PP, ethylene copolymers, propylene copolymers, and ethylene-propylene copolymers as adequate description. As discussed in the previous office actions, a trademark does not adequately describe to one having the ordinary skill in the art the ingredients of the sheet as a trademark only identifies the source of a product. So essentially, applicant has described their inventive support sheet as a sheet made by Bischof+Klein, with specific properties, which can be from a wide variety of ethylene/propylene polymer combinations. To remedy this issue, applicant has amended their specification to state that the protective sheet (GH-X 527) is made from polypropylene. Applicant states that this is inherent from the disclosures of US 20091001 1189 (paragraph 0208) and US 200910061215 (paragraph 0271). Examiner would like to point out that both of those documents point to DE 103 35 620 as providing support for the proposition that GH-X 527 is a polypropylene film. As DE 103 35 620 is the foreign priority of this instant case, Examiner would consider this specification amendment provided that applicant provides a certified translation showing the disclosure that GH-X 527 is indeed polypropylene.

Applicants respectfully submit that there is nothing in the additional description of GH-X527, as provided in Applicants last amendment, that is not present in the application as originally filed. For example, the additional statement that GH-X 527 is polypropylene merely indicates that GH-X 527 is a commercial source of the polypropylene film already disclosed. Similarly, the statement that GH-X 527 has additional films for antiblocking or adhesive properties merely identifies one particular commercially available product that can meet the product already described in the general description. Hence, the mention of GH-X 527 is to Applicants' credit for disclosing a best mode. The subject matter of the claims are not dependent on the commercial source

of the material under the trademark GH-X527. In fact, working examples are not generally required and so the working example, as well as the best mode is additional information for the skilled artisan that provides enablement above and beyond the general description in the specification. Applicants strenuously submit that the application is enabled based on the information provided in the application, regardless of the further description of a trademarked component of the example, as explained in Applicants' Office Amendment and Response of April 5, 2010, on pages 10-12, in which it has been pointed out, contrary to the Advisory Action, that the Office Action of 02/03/2010 was mistaken in stating that the material used for the film is described only in terms of trademark and properties.

The Advisory Action states, "As discussed in the previous office actions, a trademark does not adequately describe to one having the ordinary skill in the art the ingredients of the sheet as a trademark only identifies the source of a product." Again, Applicants submit that there is no requirement under 35 USC §112 to identify the ingredients relating to a trademarked component in an example. Again, Applicants have not used a trademark to "only" identify the source of a product, since the trademarked product matches the product described in the general description. Applicants can understand that further description of the product associated with the trademark may be helpful and accordingly has done so in Applicants' last amendment to the specification. This is based on inherency of the product. Applicants are merely providing a description that is inherent in the trademark, as evidenced by published documents irrespective of the date. In any case, Applicants would be receptive to providing a certified translation of a German priority document to further confirm that GX-X 527 indeed is as described if and when the Examiner indicates allowable subject matter. Alternatively, Applicants would be receptive to deleting the fact that GX-X 527 is polypropylene, which is an example of what is described elsewhere in the specification, if the Examiner prefers. This would not affect the fact that the claims are enabled.

The Advisory Action further states:

Applicant argues that the combination of Koniger and APA with Schoepel simply does not teach the present invention because the specified material and

process are not taught to be used together to form a high gloss material. First, Examiner would like to point out that that the 102 or 103 standards of rejection do not require a showing of the inventive byproduct unless specifically claimed (in this case a polymer molding which is high gloss without defects and capable of meeting the stringent requirements for automobile moldings). All that needs to be shown is the claimed process steps. Although applicant may think that a specific byproduct is claimed (a highly functional surface that has a high gloss) all that is required by the claims is a surface that can IMPART color.

Applicants are contending that, since an issue seems to be whether the presently claimed combination is obvious over a combination of prior art references in the rejection, the improved properties are relevant to the issue of unobviousness and should be considered. In fact, the process is tied to the results, i.e. high gloss without defect are unexpected, results not obtained by the prior art, as stated in the present application as filed. Thus, the Advisory Action seems to be bootstrapping the unexpected results associated with the presently claimed process steps into the selected references. This seems to be an example of hindsight interpretation of prior art selected on the basis of Applicants' own disclosure. Applicants respectfully submit that improved results associated with the presently claimed process do not need to be specified in the claims in order to be considered on the issue of obviousness of the invention as a whole.

The Advisory Action further states:

[T]he combination of Koniger, APA, and Schoeppel do teach the inventive process. Koniger and APA (which is applicant's own interpretation of the prior art (specifically Koniger) discloses a process in which a MTB (Molding-Thermoplastic support sheet - Pigment curable composition) is produced in which a protective sheet can be added to delay unintentional curing. It is this protective sheet that applicant states needs to be better designed and that better design is the GH-X 527 protective sheet. Examiner has applied Schoeppel as an example of the use of a GH-X series film which can prevent scratches and contamination to an molding. As suitable protective sheets are made from propyleneethylene polymers, it would have been obvious for one having the ordinary skill in the art to look at a wide range of acceptable protective films which would protect a layered molding. It does not matter if the protective film in Schoeppel is used to cover an identical polymer molding that is claimed, it matters only that one having the ordinary skill in the art would look to GH-X series films to protect a molding. In this case, the protective sheet in Schoeppel and the claimed invention both solve the same problem of protecting a formed sheet during any subsequent event be it curing or damage. Applicant (see remarks page 17 1" full paragraph) states that Koniger at best would lead one to investigate polyethylene type films.

Schoeppel's disclosure would clearly be in that scope as GH-X series films where known as protective films.

While Applicants appreciate the thorough search and thorough Examination, including an exceptionally detailed Advisory Action, Applicants respectfully submit that Applicants have never contended that they have invented a GH-X film nor the use of a GH-X film as a protective sheet *per se*, but rather that the invention involve the very selected use of such as specific film, among many others, in a uniquely specified multi-step process. In other words, the present claims would not prevent anyone else from using a GH-X film for any other use other than the specified uses in the specified multi-step method. Claim 23 specifies polymer moldings that are “exterior mounted components for automobile bodies. Claim 1 specifies not only that certain properties of the protective sheet, but also certain properties of the coating facing the protective sheet and the sequence of steps I.1, I.2, II, III, and IV. Moreover, there are not only a series of GH-X films on the market, but a multitude of other protective sheets on the market, no doubt a large number and variety. Thus, selecting known components of a combination is not only potentially patentable, but it has even been argued that all inventions are combinations of known parts, which can be found and selected and put together to achieve a new and advantageous result by inventive thought and substantial experimental investigation, as in the case of the presently claimed invention.

As explained in Applicants' Amendment and Response of April 5, 2010, on pages 12-14, Applicants are claiming a selection from a broad genus of all possible or conceivable protective sheets that are available for whatever use in whatever process. The Examiner has conceded that there are “endless numbers of materials which are polyolefin based with infinite combinations of physical characteristics.”

Furthermore, the selection of the particular species of protective sheet as claimed does not, by itself, result in the invention. As stated in Applicants' Amendment and Response of April 5, 2010, on page 13, Koniger does not teach fully or partly curing the film B2 after Step (1) but before Step (2) nor the use of a protective sheet S1 having the essential storage modulus and elongation to break properties. The comments in the Advisory Action fail to remedy those deficiencies. Again, as stated on page 14 of

Applicants' Amendment and Response of April 5, 2010, on page 14, "the Office Action has not addressed Applicants' arguments with respect to Koniger's prior art process," merely focusing on one specific part of the claimed invention, the fact that the selected protective sheet is known *per se*, a fact which is, of course, understood by Applicants. The invention as a whole is a combination of specified process steps, materials, and related properties.

The Advisory Action further states:

Additionally, with respect to claims 9-11 and 22-25 applicant argues that Otaki is non-analogous art. However, Otaki teaches that in storing a multi layer film a protective sheet of multiple layers can be used to protect the sheet. This is the same objective seen in Koniger, APA, and Schoepel. One having the ordinary skill in the art would have sought to find a sheet that can easily be removed. The adhesive/antiblocking layers would facilitate this removal.

Applicants respectfully submit that Applicants' Amendment and Response of April 5, 2010 does not state that Otaki is non-analogous art, although Applicants did mention, on page 22, that Otaki refers to holograms. Applicants point is relevant to the relative purpose and motivation of Otaki's teachings, which is to avoid spotty defects in a volume hologram layer. Otaki does not remotely teach Applicants' process for obtaining exterior automobile moldings that are current previous problems in the prior art such as defects and lack of gloss.

In conclusion, Applicants thank the Examiner for a thorough and detailed prosecution. Having received the benefit of such examination, Applicants have now more clearly defined the claimed invention and have more fully explained how the present invention is distinguishable from the prior art. Accordingly, Applicants respectfully submit that the Application and pending claims are patentable, as explained in the foregoing remarks. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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